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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,784	02/27/2004	Susan H. Matthews Brown	017242-008430US	9453

20350 7590 05/03/2005

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EXAMINER
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TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/789,784

Applicant(s)

MATTHEWS BROWN ET AL.

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The terminal disclaimer filed on February 25, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of September 24, 2022 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Rejections - 35 USC § 102***

Claims 29 and 35 to 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Crowley (US 6,061,854). Crowley shows an adjustable nursing pillow assembly 20 that comprises at least one U-shaped cushion insert layer 26a, 26b, and 26c received within a conforming outer cover assembly 28. The cover assembly 28 includes a handle 30 attached thereto by a pair of buckle receivers 38, 40. The buckle receivers 38, 40 are attached to a pair of straps 34, 36 that extend from the ends of the arms of the pillow cover, the straps can inherently be pulled together to tie the arms of the pillow together if so desired. A zipper 42 extends across a medial face of the cover 28 to provide an access opening to the interior of the cover in order to insert the layers 26a-26c as needed. A pocket as described in column 8, lines 53 to 60 can be placed upon the exterior surfaces of the cover 28 in order to hold various items in conjunction with the pillow assembly 20. Note that some of the surfaces upon which the pocket can be placed are the peripheral side surfaces 70, 72, or the back surface defined by wall 64. These

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surfaces can be considered as forming the outer periphery of the pillow. Note also that multiple pockets can be attached to the outer surface of the pillow cover. A blanket 120 can be attached to the pillow assembly along one medial face by a series of snap fasteners shown in Figures 4 and 5.

### ***Claim Rejections - 35 USC § 103***

Claims 30 to 34 and 42 to 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crowley (US 6,061,854). It is already well known in the art to make pockets that are expandable, have multiple compartments, and so forth. Because of this it would have been obvious to the skilled artisan to have used a pocket or pockets that have such features upon the Crowley pillow. In addition, since Crowley teaches that the pocket(s) can be placed anywhere desired upon the exterior surfaces of the pillow it would have been obvious to the skilled artisan to have place the pocket(s) anywhere along the entire medial region of the pillow, along the arms of the pillow, and so forth.

### ***Response to Arguments***

Applicant's arguments filed on February 25, 2005 have been fully considered but they are not persuasive. The examiner has disagreed with the applicant's contention that new claims 29 to 48 define over the Crowley patent. As noted in the rejection above, Crowley does teach that the pillow can include a peripheral pocket located upon the cover along a back edge or side edge of the pillow. The pocket location suggested and taught by Crowley can be considered to be the equivalent of the "pocket located along the outer periphery" set forth broadly in claim 28. The

dependent claims do not set forth any structure that is not taught and/or suggested by Crowley, and as such the claims have been rejected under §102 and 103.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (571) 272-7052. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel  
Primary Examiner  
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